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PHILIP MORRIS

INCORPORATED

LAW DEPARTMENT
PATENT SECTION

P.O. BOX 26583, RICHMOND, VIRGINIA 23261

(804) 274-2822
TELEX 827339

August 25, 1982

Mr. John H. Bass
Reddie & Grose
16 Theobalds Road
London WC1X 8PL England

RE: Smoking Compositions of Sanders and Houminer
EPO Application 80301880.3
PM 868 Your file 23241

Dear John:

I enclose a copy of the issued U.S. Patent 4,318,418 (a divisional is pending) together with remarks which I hope will help with your response. The Examiner is being surprisingly rigid.

Very truly yours,

Les

G. Esler Inskeep

bjm

Enclosures

cc: T. Osdene w/enclosure

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Source: https://www.industrydocuments.ucsf.edu/docs/nrbj0000

European Application 80301880.3
PM 868
Official Action 21 June 1982
COMMENTS

In addition to the arguments previously presented (February 22, 1982) we can offer only a similar analysis. All compounds disclosed are believed to be novel and to have never been reported in the literature. Each class of pyrazines has different flavor properties; indeed this may be said for individual members of a class. See Leffingwell, Young & Bernasek "Tobacco Flavoring for Smoking Products" R. J. Reynolds Tobacco Company, Winston-Salem, N.C. (1972), Table XIV. The Examiner is in effect saying that because substituted pyrazines have been used as flavorants and found in smoke, there is no longer room for new discoveries in pyrazine flavors. This sort of reasoning would remove esters, aldehydes, ketones, unsaturated aliphatics and countless other classes of compounds from the arena for new and patentable discoveries. The flavor properties of a pyrazine that differs substantially in structure from those already tested cannot be predicted until it has been made and evaluated.

3. Again, this can be extended to say, "A skilled chemist seeking compounds suitable for a point of departure in a particular use would in view of the known art consider organic molecules as a suitable field within which to search."

4. Though the similarity might have been guessed, it could not have been predicted with any certainty. Further, similar is not identical; and it might equally well have been predicted that because of the decreased volatility the polyheterocyclics would have substantially no flavor.

5. The said pyrazines are novel compounds and any novel pyrazine of different structure will not obviously have desirable flavor properties.

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6. The process is novel not because of the anion formation but because of the coupling of the anions by use of I_2 or dibromoethylene, for which there is no precedent in heterocyclic chemistry. Claim 15 is not obvious from the Barton & Ollis reference because that does not illustrate a displacement on a pyrazine side-chain substituent.

G. E. Inskeep

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Source: https://www.industrydocuments.ucsf.edu/docs/rbj0000

T. Odell
A2

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Source: https://www.industrydocuments.ucsf.edu/docs/hrbj0000